

Mr. Chairman and members of the Committee,

My name is Mark Good; I work with the Montana Wilderness Association and I live in Great Falls.

As I understand, House Joint Resolution 4 is asking the United States Congress to radically modify the Antiquities Act to among other things, prevent any new national monuments on federal public lands in Montana without approval from Montana's governor and legislature and the United States Congress. It would also limit the size of national monuments.

It seeks, therefore, to preclude future presidents from acting as Theodore Roosevelt once did when he designated 808,120 acres in northern Arizona as the Grand Canyon National Monument. On that occasion, he said of the Canyon, "Leave it as it is. You cannot improve upon it; not a bit. What you can do is to keep it for your children, your children's children, and for all who come after you." These are sentiments to which the vast majority of Americans would agree, including most Montanans.

Congress enacted the Antiquities Act in the late 19th century largely in response to a national, popular outcry against the vandalism and looting occurring on national landmarks. It continues to be a means of keeping some federal public lands much like they are.

For over 100 years all but three Presidents, from both political parties, have used the Antiquities Act to protect special places around the country.

The Antiquities Act is not unlike other powers that Congress has given to the president to forestall swiftly a threat that Congress cannot address in a timely or decisive fashion. The Act represents a true balance of powers between the President and the Congress. It confers only the power to reserve *public* lands from specific uses that threaten these lands' special qualities. Congress retains all other powers over any presidentially proclaimed national monument.

At different times Congress has modified monuments by changing their boundaries and Congress has even abolished some monuments outright and converted others into different protective designations.

Congress may set the terms and conditions of a monument's management, as it did with the Craters of the Moon National Monument to include hunting.

Is a national monument the right fit some public lands in northeastern Montana, I don't know, but that isn't being proposed, in fact, there isn't even a proposal. What the Department of Interior did, as an agency responsible for managing federal public lands should do, is identify public lands where conservation values should be given greater consideration, just as they have identified lands better suited for as oil and gas drilling. With short grass prairie lands vanishing worldwide, maybe greater consideration should be given to their long-term protection.

Even if a monument designation were proposed, it would only apply to federal public land. Monument designation does not grant public land managers the power of imminent domain. Where lands have been designated as national monuments counties still receive federal payments in lieu of taxes, ranchers still graze livestock at below market rates and livestock grazing is still managed under the same standards and guidelines as on other lands managed by the Bureau of Land Management. In the Upper Missouri River Breaks National Monument, oil and gas drilling is still allowed on preexisting leases.

To conclude, Presidents have used the Act sparingly and I believe appropriately to respond to public concerns about the preservation of places that help define us as a people and a nation. Montanans did have a say in how the Upper Missouri River Breaks are managed and should have a say if any future national monument is considered. But it is also important to recognize that lands managed by the Bureau of Land Management are public lands held in trust for all Americans, not just the residents in a particular state. Most public and private lands in Montana will always be used for commercial uses, but Montana is a big state and I believe there is room for national monuments too.

I respectfully urge your opposition to HJ 4.